

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

United States of America,

Plaintiff,

No. 2:17-CR-00001 RSL

v.

Lobsang Dargey,

Defendant.

~~PROPOSED~~ ORDER GRANTING
DEFENDANT LOBSANG DARGEY'S
UNOPPOSED MOTION TO AMEND
THE JUDGMENT AND ORDER OF
RESTITUTION

THIS CAUSE came before the Court on Defendant, Lobsang Dargey's, Unopposed Motion to Amend the Judgment and Order of Restitution. The Court having considered the Motion, finds as follows:

1. Pursuant to a plea agreement, on January 4, 2017 Defendant pleaded guilty to one count of conspiracy to commit wire fraud and one count of engaging in a scheme to conceal information from the United States, in violation of Title 18 U.S.C. §§ 371 and 1001(a)(1), respectively.

2. The plea agreement provided, among other things:

Restitution. Defendant shall make restitution to the victims of his offense in the amount of \$24,242,220. This amount, which reflects the loss to the victims of Defendant's conduct, includes \$11,552,220 in unauthorized commission payments and syndication costs and \$12,690,000 in administrative fees paid by the immigrant investors. Thirty-five (35) of the Tower investors were previously refunded the full amount of their capital contribution, and therefore, are entitled to \$45,000 each

~~PROPOSED~~ ORDER GRANTING DEFENDANT LOBSANG
DARGEY'S UNOPPOSED MOTION TO AMEND THE
JUDGMENT AND ORDER OF RESTITUTION - 1
Case No. 17-CR-1-RSL

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1 representing their administrative fees. The remaining 247 investors
2 shall each be entitled to receive total restitution of \$91,770, which
3 consists of (a) \$46,770 for commissions and syndication costs, and
4 (b) \$45,000 for administrative fees. This amount shall be due and
payable immediately and shall be paid in accordance with a
schedule of payments as proposed by the United States Probation
Office and ordered by the Court.

5 In the event that any investor is repaid an amount greater
6 than \$453,230 of the principal amount of his or her capital
7 contribution through returns on the investment or money
8 distributed by the Receiver, the \$46,770 portion of the restitution
9 obligation to that investor will be reduced by the amount he or she
10 received in excess of \$453,230, such that an investor who is repaid
11 his or her full \$500,000 capital contribution shall not be entitled to
any restitution for commissions and syndication costs. **In addition,**
to the extent any portion of the \$45,000 administrative fee is
returned to any investor, the \$45,000 portion of the restitution
obligation for that investor will be reduced accordingly.

12 *Plea Agreement* at 11-12 (emphasis added).

13 3. The Court's Order of Restitution incorporated this provision of the Plea
14 Agreement and specifically provided that "[t]o the extent any portion of the \$45,000
15 administrative fee is returned to any investor, the \$45,000 portion of the restitution obligation for
16 that investor, and the overall Administrative Fee obligation, is reduced accordingly." *Order of*
17 *Restitution* at 2 (Dkt. 25). Ten investors were known at the time to have received refunds of their
18 administrative fees and were, therefore, not entitled to receive additional restitution for those
19 fees. *Id.* The resulting total of restitution owed for repayment of administrative fees came to
20 \$12,195,000. *Id.*

21 4. In addition, Defendant was ordered to repay \$46,770 to each of 247 investors in
22 relation to the use of portions of their capital contributions for payments of commissions and
23 syndication costs. This resulted in an additional amount of restitution owing of \$11,552,190. *Id.*
24 at 6. These repayments too, however, are subject to offsets in the event any investor receives a
25 return of their capital in excess of the amount he or she is owed in restitution. *Id.* at 2. Because
26 "[i]t is anticipated that it will take a significant period of time for investors to receive investment

1 returns,” *id.* at 2, the Court ordered that “any payments the Defendant makes pursuant to this
2 Order [of Restitution] shall be used first to make payments to investors to satisfy the
3 Administrative Fee Obligation.” *Id.* at 3.

4 5. The total amount of restitution due came to \$23,747,190. *Id.* at 1.

5 6. The Court entered judgment accordingly and ordered Defendant to pay restitution
6 in the total amount of \$23,747,190. *Judgment* at 5, 6 (Dkt. 26).

7 7. Subsequent to the entry of Judgment and the Court’s Order of Restitution, counsel
8 confirmed that six additional investors received full refunds of their \$45,000 administrative fees.
9 The refunds to these investors results in an additional restitution offset of \$270,000.¹ This offset
10 reduces the amount of restitution owed for repayment of administrative fees from \$12,195,000 to
11 \$11,925,000² and the total amount of restitution from \$23,747,190 to \$23,477,190.³

12 8. In addition, subsequent to the entry of Judgment and the Court’s Order of
13 Restitution, counsel discovered an error in the amounts owed to two investors, LM and YY. The
14 amounts owed these investors were inaccurately reversed on the Appendix A attached to the
15 original judgment.

16 IT IS THEREFORE ORDERED:

17 1. That the Order of Restitution is hereby amended to reduce the administrative fee
18 portion of restitution from \$12,195,000 to \$11,925,000 and the total amount of restitution from
19 \$23,747,190 to \$23,477,190;

20 2. That the Judgment is hereby amended to reduce the administrative fee portion of
21 restitution from \$12,195,000 to \$11,925,000 and the total amount of restitution owed from
22 \$23,747,190 to \$23,477,190; and

23 3. The identification of restitution payees and the amounts owed to each is hereby
24 amended as reflected in Appendix A.

25 ¹ 6 x \$45,000 = \$270,000.

26 ² \$12,195,000 - \$270,000 = \$11,925,000.

³ \$23,747,190 - \$270,000 = \$23,477,190.

1 Dated this 9th day of July, 2018

2
3 Robert S. Lasnik
4 ROBERT S. LASNIK
5 UNITED STATES DISTRICT JUDGE

6 Presented by:

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[PROPOSED] ORDER GRANTING DEFENDANT LOBSANG
DARGEY'S UNOPPOSED MOTION TO AMEND THE
JUDGMENT AND ORDER OF RESTITUTION - 4
Case No. 17-CR-1-RSL

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APPENDIX A

Count	Initials	Amount	Project
1	L.B.	\$91,770.00	PAFM
2	Y.C.	\$45,000.00	Tower
3	X.C.	\$91,770.00	Tower
4	L.C.	\$91,770.00	Tower
5	L.C.	\$91,770.00	Tower
6	L.C.	\$91,770.00	Tower
7	W.C.	\$91,770.00	PAFM
8	X.C.	\$91,770.00	PAFM
9	X.C.	\$91,770.00	PAFM
10	X.C.	\$91,770.00	Tower
11	Y.C.	\$91,770.00	Tower
12	Y.C.	\$45,000.00	Tower
13	Z.C.	\$91,770.00	Tower
14	X.C.	\$45,000.00	Tower
15	Q.C.	\$45,000.00	Tower
16	J.C.	\$91,770.00	Tower
17	L.C.	\$91,770.00	Tower
18	Y.C.	\$91,770.00	PAFM
19	M.Y.C	\$91,770.00	Tower
20	C.L.C.	\$91,770.00	Tower
21	K.W.C	\$45,000.00	Tower
22	Q.D.	\$91,770.00	PAFM
23	Q.D.	\$91,770.00	Tower
24	Y.D.	\$91,770.00	Tower
25	C.D.	\$91,770.00	Tower
26	S.D.	\$46,770.00	Tower
27	X.D.	\$91,770.00	Tower
28	C.D.	\$91,770.00	Tower
29	X.D.	\$91,770.00	PAFM
30	Z.D.	\$91,770.00	Tower
31	R.F.	\$91,770.00	PAFM
32	Y.F.	\$45,000.00	Tower
33	A.F.	\$91,770.00	Tower
34	R.F.	\$91,770.00	Tower
35	Y.F.	\$91,770.00	Tower
36	Y.F.	\$91,770.00	Tower
37	J.G.	\$91,770.00	Tower
38	C.G.	\$91,770.00	Tower
39	F.G.	\$91,770.00	PAFM
40	J.G.	\$91,770.00	Tower
41	W.G.	\$91,770.00	Tower
42	Y.G.	\$91,770.00	PAFM
43	Y.G.	\$91,770.00	PAFM
44	H.G.	\$45,000.00	Tower
45	L.G.	\$91,770.00	Tower
46	P.G.	\$91,770.00	PAFM

Count	Initials	Amount	Project
47	L.G.	\$91,770.00	Tower
48	R.G.	\$91,770.00	Tower
49	Y.G.	\$91,770.00	Tower
50	B.G.	\$91,770.00	Tower
51	T.G.	\$91,770.00	PAFM
52	Y.G.	\$91,770.00	Tower
53	Z.G.	\$91,770.00	Tower
54	N.H.	\$46,770.00	Tower
55	L.H.	\$45,000.00	Tower
56	S.H.	\$91,770.00	Tower
57	B.H.	\$91,770.00	PAFM
58	E.H.	\$91,770.00	Tower
59	W.H.	\$91,770.00	Tower
60	X.H.	\$91,770.00	Tower
61	Y.H.	\$91,770.00	Tower
62	C.H.	\$91,770.00	PAFM
63	H.H.	\$91,770.00	Tower
64	P.H.	\$91,770.00	Tower
65	W.H.	\$91,770.00	Tower
66	F.Y.N.H	\$45,000.00	Tower
67	Y.J.	\$91,770.00	Tower
68	Y.J.	\$91,770.00	Tower
69	T.J.	\$91,770.00	Tower
70	H.J.	\$91,770.00	Tower
71	J.J.	\$91,770.00	Tower
72	N.J.	\$91,770.00	Tower
73	S.J.	\$91,770.00	Tower
74	Z.J.	\$91,770.00	Tower
75	S.K.	\$91,770.00	Tower
76	H.K.K	\$91,770.00	Tower
77	D.L.	\$91,770.00	PAFM
78	F.L.	\$91,770.00	PAFM
79	G.L.	\$91,770.00	Tower
80	G.L.	\$91,770.00	PAFM
81	J.L.	\$91,770.00	PAFM
82	L.L.	\$46,770.00	Tower
83	L.L.	\$91,770.00	Tower
84	P.L.	\$91,770.00	PAFM
85	Q.L.	\$91,770.00	Tower
86	S.L.	\$91,770.00	Tower
87	W.L.	\$91,770.00	Tower
88	W.L.	\$91,770.00	Tower
89	W.L.	\$91,770.00	PAFM
90	X.L.	\$91,770.00	Tower
91	X.L.	\$91,770.00	Tower
92	Y.L.	\$91,770.00	PAFM

Count	Initials	Amount	Project
93	B.L.	\$91,770.00	Tower
94	L.L.	\$91,770.00	PAFM
95	M.L.	\$91,770.00	PAFM
96	Z.L.	\$91,770.00	Tower
97	X.Y.L.	\$45,000.00	Tower
98	H.L.	\$45,000.00	Tower
99	T.L.	\$91,770.00	PAFM
100	B.L.	\$91,770.00	Tower
101	C.L.	\$91,770.00	Tower
102	G.L.	\$91,770.00	Tower
103	H.L.	\$91,770.00	PAFM
104	K.L.	\$91,770.00	Tower
105	L.L.	\$91,770.00	Tower
106	L.L.	\$91,770.00	Tower
107	M.L.	\$91,770.00	Tower
108	M.L.	\$91,770.00	Tower
109	P.L.	\$91,770.00	Tower
110	Q.L.	\$91,770.00	Tower
111	Y.L.	\$91,770.00	Tower
112	Z.L.	\$91,770.00	PAFM
113	W.J.L.	\$45,000.00	Tower
114	B.L.	\$91,770.00	Tower
115	C.L.	\$91,770.00	PAFM
116	D.L.	\$91,770.00	Tower
117	H.L.	\$91,770.00	Tower
118	M.L.	\$45,000.00	Tower
119	S.L.	\$91,770.00	Tower
120	Z.L.	\$91,770.00	Tower
121	J.M.	\$91,770.00	PAFM
122	L.M.	\$91,770.00	PAFM
123	Q.M.	\$91,770.00	Tower
124	Y.M.	\$91,770.00	Tower
125	A.N.	\$91,770.00	Tower
126	J.N.	\$91,770.00	Tower
127	L.N.	\$91,770.00	PAFM
128	Y.P.	\$91,770.00	PAFM
129	L.Q.	\$91,770.00	Tower
130	Z.R.	\$91,770.00	PAFM
131	X.R.	\$91,770.00	Tower
132	H.S.	\$91,770.00	Tower
133	Z.S.	\$91,770.00	Tower
134	H.S.	\$91,770.00	Tower
135	L.S.	\$91,770.00	PAFM
136	F.S.	\$45,000.00	Tower
137	G.S.	\$91,770.00	PAFM
138	H.S.	\$91,770.00	Tower

Count	Initials	Amount	Project
139	Z.S.	\$91,770.00	PAFM
140	J.S.	\$91,770.00	PAFM
141	T.S.	\$91,770.00	PAFM
142	Y.S.	\$91,770.00	Tower
143	C.S.	\$91,770.00	PAFM
144	B.S.	\$91,770.00	PAFM
145	J.S.	\$91,770.00	Tower
146	J.S.	\$91,770.00	Tower
147	M.S.	\$91,770.00	Tower
148	X.S.	\$91,770.00	PAFM
149	Y.S.	\$45,000.00	Tower
150	C.T.	\$91,770.00	Tower
151	D.T.	\$91,770.00	Tower
152	W.T.	\$91,770.00	Tower
153	Y.T.	\$91,770.00	PAFM
154	Z.T.	\$91,770.00	PAFM
155	Y.T.	\$91,770.00	PAFM
156	L.T.	\$91,770.00	Tower
157	P.T.	\$91,770.00	PAFM
158	X.W.	\$91,770.00	PAFM
159	B.W.	\$91,770.00	Tower
160	C.W.	\$91,770.00	Tower
161	C.W.	\$91,770.00	Tower
162	C.W.	\$91,770.00	PAFM
163	C.W.	\$91,770.00	PAFM
164	D.W.	\$91,770.00	PAFM
165	H.W.	\$45,000.00	Tower
166	H.W.	\$91,770.00	Tower
167	H.W.	\$91,770.00	PAFM
168	H.W.	\$91,770.00	Tower
169	J.W.	\$91,770.00	Tower
170	K.W.	\$91,770.00	Tower
171	K.W.	\$91,770.00	PAFM
172	M.W.	\$91,770.00	Tower
173	R.W.	\$91,770.00	Tower
174	R.W.	\$91,770.00	Tower
175	T.W.	\$91,770.00	Tower
176	X.W.	\$45,000.00	Tower
177	X.W.	\$91,770.00	Tower
178	Y.W.	\$91,770.00	PAFM
179	Y.W.	\$91,770.00	Tower
180	Y.W.	\$91,770.00	Tower
181	Y.W.	\$91,770.00	PAFM
182	Y.W.	\$91,770.00	Tower
183	Z.W.	\$91,770.00	Tower
184	Z.W.	\$91,770.00	PAFM

Count	Initials	Amount	Project
185	Z.W.	\$91,770.00	Tower
186	Y.W.	\$91,770.00	Tower
187	I.H.W.	\$45,000.00	Tower
188	J.W.	\$91,770.00	PAFM
189	M.W.	\$91,770.00	PAFM
190	Q.W.	\$91,770.00	Tower
191	Y.W.	\$91,770.00	Tower
192	D.W.	\$91,770.00	Tower
193	D.X.	\$91,770.00	Tower
194	H.X.	\$91,770.00	Tower
195	J.X.	\$91,770.00	Tower
196	F.X.	\$91,770.00	Tower
197	Q.X.	\$91,770.00	Tower
198	R.X.	\$91,770.00	PAFM
199	S.X.	\$91,770.00	Tower
200	X.X.	\$91,770.00	Tower
201	W.X.	\$91,770.00	Tower
202	C.X.	\$91,770.00	PAFM
203	M.X.	\$91,770.00	Tower
204	N.X.	\$91,770.00	Tower
205	Y.X.	\$91,770.00	Tower
206	Y.X.	\$91,770.00	PAFM
207	Z.X.	\$91,770.00	Tower
208	Y.Y.	\$46,770.00	Tower
209	H.Y.	\$91,770.00	Tower
210	H.Y.	\$91,770.00	PAFM
211	L.Y.	\$91,770.00	Tower
212	M.Y.	\$91,770.00	Tower
213	Z.Y.	\$91,770.00	PAFM
214	Y.Y.	\$91,770.00	Tower
215	H.Y.	\$91,770.00	PAFM
216	Y.Y.	\$91,770.00	Tower
217	X.Y.	\$91,770.00	Tower
218	M.Y.	\$91,770.00	PAFM
219	M.Y.	\$91,770.00	Tower
220	Q.Y.	\$91,770.00	PAFM
221	C.Y.	\$45,000.00	Tower
222	L.Y.	\$91,770.00	Tower
223	W.Y.	\$91,770.00	PAFM
224	J.Y.	\$91,770.00	PAFM
225	Y.Y.	\$91,770.00	Tower
226	W.Z.	\$91,770.00	PAFM
227	B.Z.	\$91,770.00	PAFM
228	C.Z.	\$91,770.00	PAFM
229	G.Z.	\$91,770.00	PAFM
230	H.Z.	\$91,770.00	Tower

Count	Initials	Amount	Project
231	J.Z.	\$91,770.00	Tower
232	J.Z.	\$91,770.00	PAFM
233	L.Z.	\$46,770.00	Tower
234	M.Z.	\$91,770.00	Tower
235	M.Z.	\$91,770.00	Tower
236	N.Z.	\$91,770.00	Tower
237	P.Z.	\$91,770.00	Tower
238	R.Z.	\$91,770.00	Tower
239	T.Z.	\$91,770.00	Tower
240	Y.Z.	\$91,770.00	Tower
241	Y.Z.	\$91,770.00	Tower
242	Y.Z.	\$91,770.00	Tower
243	Y.Z.	\$91,770.00	Tower
244	Z.Z.	\$91,770.00	PAFM
245	H.Z.	\$91,770.00	Tower
246	J.Z.	\$91,770.00	PAFM
247	Q.Z.	\$91,770.00	Tower
248	Q.Z.	\$91,770.00	PAFM
249	J.Z.	\$45,000.00	Tower
250	M.Z.	\$91,770.00	Tower
251	Z.Z.	\$91,770.00	Tower
252	X.Z.	\$91,770.00	Tower
253	L.Z.	\$91,770.00	Tower
254	C.Z.	\$91,770.00	PAFM
255	G.Z.	\$91,770.00	PAFM
256	H.Z.	\$91,770.00	Tower
257	Q.Z.	\$91,770.00	PAFM
258	S.Z.	\$91,770.00	Tower
259	T.Z.	\$91,770.00	Tower
260	Y.Z.	\$91,770.00	PAFM
261	Y.Z.	\$91,770.00	Tower
262	A.Z.	\$45,000.00	Tower
263	Z.Y.Z.	\$45,000.00	Tower
264	H.Z.	\$91,770.00	Tower
265	L.Z.	\$91,770.00	Tower
266	M.Z.	\$91,770.00	PAFM
267	Q.Z.	\$91,770.00	Tower
268	Y.Z.	\$91,770.00	PAFM
269	Y.Z.	\$91,770.00	Tower
270	X.Z.	\$45,000.00	Tower